PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0551-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| FEE TRANSMITTAL   | Complete if Known    |                  |  |  |  |
|---|----------------------|------------------|--|--|--|
| FEE IRANSWILLIAL  | Application Number   | 10/693,363       |  |  |  |
| for FY 2004 Effective 10/01/2003. Patent fees are subject to annual revision. | Filing Date ,        | October 24, 2003 |  |  |  |
|   | First Named Inventor | Keith G. Lintott |  |  |  |
|   | Examiner Name        | June Hwu         |  |  |  |
| Applicant claims small entity status. See 37 CFR 1.27                         | Art Unit             | 1661             |  |  |  |

| Check   Credit card   Money   Other   None   Order   Order   Other   None   Order             | TOTAL AN                                    | TOTAL AMOUNT OF PAYMENT (\$) 180.00 Attorney Docket No. 10451.0056.NPUS01 |                 |                             |                             |          |        |        |                                       |             |
|---|---|---|-----------------|-----------------------------|-----------------------------|----------|--------|--------|---------------------------------------|-------------|
| Poposit Account   | METHOD OF PAYMENT (check all that apply)    |   |                 | FEE CALCULATION (continued) |                             |          |        |        |                                       |             |
| Deposit Account:   Deposit Account:   O8-3038   O8-30           | Check                                       |   | Other None      | 3. ADDITIONAL FEES          |                             |          |        |        |                                       |             |
| Deposit Account Number Deposit         | Order U U                                   |   |                 |                             | Large Entity   Small Entity |          |        |        |                                       |             |
| D8-3038   |   |   |                 |                             |                             |          |        |        | Fee Description                       |             |
| Howrey Simon, et al.   Name   Howrey Simon, et al.   1052   50   2052   25   Surcharge - late provisional filing fee or cover shall   1053   130            | Account                                     | 08-3038   |                 |                             |                             |          | ,      | Surch  | parge - late filing fee or oath       | Fee Paid    |
| Account Name The Director is authorized to: (check all that apply) Wicharge fee(s) indicated below Coredit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below. except for the filing fee to the above-identified deposit account.  FEE CALCULATION 1. BASIC FILING FEE Large Entity Small Entity Fee   |   |   |                 |                             |                             |          |        |        | •                                     | <del></del> |
| The Director is authorized to: (check all that apply)  Charge fee(s) indicated below  Credit any overpayments of fee(s)  Charge fee(s) indicated below, except for the filling fee to the above-identified deposit account.  FEE CALCULATION  1. BASIC FILING FEE Large Entity Small Entity Fee Fee Fee Fee Fee Peach Code (\$)  Design filing fee  1003 770  Design filing fee  1403 300  2402 170  Design filing fee  1403 300  2402 185 Reissue filing fee  1403 300  2402 170  Design filing fee  1403 300  2402 185 Reissue filing fee  1403 130  2403 145 Request for oral hearing  1452 110  255 5 Por filing a request for explay filing filing fee Receive for reply within first month  1254 110  255 2,010  255 Extension for reply within first month  1401 330  2401 185 Notice of Appeal  1402 330  2402 185 Reignes free in support of an appeal  1403 1200  1452 110  255 1.005 Extension for reply within fourth month  1403 300  2402 185 Reignes free in support of an appeal  1403 1200  1452 110  255 5 Por filing a price sequest for very evintin first month  1255 Extension for reply within first month  1401 330  2401 185 Notice of Appeal  1402 330  2402 185 Reignes free in support of an appeal  1403 1300  1403 1405 Request for oral hearing  1403 1200  1455 Request for oral hearing  1455 1,510  1455 1,510  1455 Request for oral hearing  1455 1,510  1455 Request for oral hearing  1455 Request for oral hearing  1450 1,510  14 | Account                                     | Howrey Simon, et al.  |                 | 1032                        | 30                          | 2032     | 25     |        |                                       |             |
| Charge re(s) indicated below. except for the filing fee to the above-identified deposit account.    Second Code (s)   |   |   |                 |                             |                             |          |        |        | • .                                   |             |
| Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.    The provisional feet is a count of the provisional filing fee to the above-identified deposit account.   1251 110 2251 5 260 252 210 Extension for reply within first month   1252 1251 110 2251 5 200 252 210 Extension for reply within second month   1253 950 2253 475 Extension for reply within fourth month   1254 1,480 2254 740 Extension for reply within fourth month   1255 2,000 250 250 2002 270 Design filing fee   1402 330 2401 165 Notice of Appeal   1403 330 2401 165 Notice of Appeal   1403 290 2403 145 Request for oral hearing   1403 290 240        |   |   |                 |                             |                             |          | •      |        |                                       | <del></del> |
| Total Claims  | Charge any                                  | additional fee(s) or any underpa  | yment of fee(s) | 1804                        | 920*                        | 1804     | 920*   |        |                                       |             |
| 1. BASIC FILING FEE   Large Entity   Small Entity   Fee Fee   Fe          | Charge fee                                  | (s) indicated below, except for the                                       | ne filing fee   | 1805                        | 1,840*                      | 1805     | 1,840* |        |                                       |             |
| 1. BASIC FILING FEE   Large Entity   Small Entity   Fee             | to the above-id                             | entified deposit account.   |                 | 4054                        | 440                         |          |        |        |                                       |             |
| 1. BASIC FILING FEE   Large Entity   Small Entity   Fee             |   | FEE CALCULATION   | N               | 1                           |                             | ľ        |        |        | • •                                   |             |
| Total Claims  |   |   |                 |                             |                             |          |        |        | • •                                   |             |
| Code (\$)   Code (\$)   Code (\$)   |   |   | Fee Paid        |                             |                             |          |        |        |                                       |             |
| 1002 340 2002 170   |   |   | 7001414         |                             |                             |          |        |        | · ·                                   |             |
| 1003 530   2003 265   Plant filing fee   1403 290 2403 145   Request for oral hearing   1405 150   1451 1,510   1451 1,5          | 1001 770                                    | 2001 385 Utility filing fee   |                 | l                           | •                           |          | .,     |        | . ,                                   |             |
| 1004 770   2004 385   Reissue fling fee   | 1002 340                                    | 2002 170 Design filing fee  | ,               |                             |                             |          |        |        | • •                                   |             |
| 1005 160   2005 80   Provisional filing fee   SUBTOTAL (1)   (\$)   1451 1,510   2452 55   Petition to institute a public use proceeding.   1451 1,510   2452 55   Petition to revive - unavoidable   1453 1,330   1455   1,510   2452 55   Petition to revive - unavoidable   1453 1,330   1455   1,510   2452 55   Petition to revive - unintentional   1451 1,510   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1452 110   1452 110   1452 110   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1,510   1451 1,510   Petition to institute a public use proceeding.   1451 1,510   1451 1         | 1003 530                                    | 2003 265 Plant filing fee   |                 |                             |                             |          |        |        | - ''                                  | ·           |
| SUBTOTAL (1) (\$) 1452 110 2452 55 Petition to revive - unavoidable 2453 665 Petition to revive - unintentional 2501 665 Utility issue fee (or reissue) 5201 665 Utility issue fee (or reissue) 5202 665 Petition to revive - unintentional 5201 665 Utility issue fee (or reissue) 5201 665 Utility issue fee (or reissue) 5202 665 Petition to revive - unintentional 5201 665 Utility issue fee (or reissue) 5202 665 Petition to revive - unintentional 5201 665 Utility issue fee (or reissue) 665 Petition to revive - unintentional 5201 665 Utility issue fee (or reissue) 665 Petition to revive - unintentional 665 Utility issue fee (or reissue) 665 Petition to revive - unintentional 665 Utility issue fee (or reissue) 665 Utility 665       |   | J   | e               |                             |                             | 1        |        | -      |                                       |             |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE   Fee from   Fee Paid   Fee Fee   Fee Fee   Fee Fee   Fee Fee   | 1005 160                                    | 2005 80 Provisional filing  | g fee           |                             |                             | l        |        |        | • • •                                 |             |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Fee from Fee Paid Total Claims  | SUBTOTAL (1) (\$)                           |   |                 |                             |                             |          | 55     | Petiti | ion to revive - unavoidable           |             |
| Total Claims Independent Inde        | 2 EYTRA CLAIM EEES EOR LITH ITY AND PEISSUE |   |                 |                             |                             |          |        |        |                                       |             |
| Total Claims Independent Indep        |   |   | Fee from        | *                           |                             | 1        |        |        | •                                     |             |
| Independent Claims Multiple Dependent  Large Entity Small Entity Fee Fee Fee Fee Code (\$)  1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid 1204 86 2204 43 "Reissue independent claims over original patent over original patent Subtrotal (2)  Subtrotal (2)  Swall Entity Fee Fee Fee Fee Fee Fee Fee Fee Code (\$)  1807 50 Processing fee under 37 CFR 1.17(q)  1806 180 1806 180 Submission of Information Disclosure Stmt Recording each patent assignment per property (times number of properties)  1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))  1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))  1801 770 2801 385 Request for Continued Examination of a design application  Subtrotal (2)  ***or number previously paid, if greater; For Reissues, see above    Subtrotal (3) (\$) 180.00  | Total Claims                                |   | below Fee Faid  |                             |                             | 1        |        |        | <u>*</u>                              |             |
| Multiple Dependent  Large Entity   Small Entity   Fee Fee Fee Fee Fee Fee Code (\$)   1807   50   1807   50   1807   50   1808          | Independent 287                             |   |                 |                             | l                           |          |        |        |                                       |             |
| Large Entity   Small Entity   Fee   Fee   Fee   Code (\$)   Fee Description   Submission of Information Disclosure Stmt   Submission after final rejection   Submission of Information   Submission after final rejection   Submission after final rejection   Submission after final rejection   Submission after final rejection   Submission of Information   Submission of Inform       |   |   |                 | l                           |                             |          |        |        |                                       |             |
| Fee Fee Code (\$)  Fee Fee Code (\$)  Fee Description  1202 18 2202 9 Claims in excess of 20  1201 86 2201 43 Independent claims in excess of 3  1203 290 2203 145 Multiple dependent claims over original patent  1204 86 2204 43 *** Reissue independent claims over original patent  1205 18 2205 9 *** Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) \$\bigset{\$\bigset}\$  SUBTOTAL (2) \$\bigset{\$\bigset}\$  SUBTOTAL (3) \$\bigset{\$\bigset{\$\bigset}\$ Ee Description}{\bigset{\$\bigset}\$ 8021 40 8021 40 Recording each patent assignment per property (times number of properties)  1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))  1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))  1801 770 2801 385 Request for Continued Examination (RCE)  1802 900 Request for expedited examination of a design application  Other fee (specify)  *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$\bigset\$) 180.00   | Large Entity                                | L Small Entity  |                 |                             |                             |          |        |        |                                       | -           |
| 1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claims, if not paid 1204 86 2204 43 ** Reissue independent claims over original patent over original patent 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent  **Tor number previously paid, if greater; For Reissues, see above  SUBTOTAL (2) (\$)  ***Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; For Reissues, see above  **Tor number previously paid, if greater; Fo       | Fee Fee                                     | Fee Fee Fee Descrip   | otion           | 1806                        | 180                         | 1806     |        |        |                                       |             |
| 1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claims over original patent 1204 86 2204 43 **Reissue independent claims over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 18 2205 9 **Reissue claims in excess of 20 and over original patent 1205 1802 900 Request for expedited examination of a design application 1205 1802 900 Reduced by Basic Filing Fee Paid 1802 900 **Reduced by Basic Filing Fee Paid 1802 900         |   |   | 00              | 8021                        | 40                          | 8021     | 40     | prop   | erty (times number of properties)     | \$180.00    |
| 1203 290 2203 145 Multiple dependent claim, if not paid 1204 86 2204 43 ** Reissue independent claims over original patent 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent 1205 1205 1205 1205 1205 1205 1205 1205  |   |   |                 | 1809                        | <b>7</b> 70                 | 2809     | 385    |        |                                       |             |
| 1204 86 2204 43 ** Reissue independent claims over original patent 1801 770 2801 385 Request for Continued Examination (RCE) 1802 900 Request for expedited examination of a design application 1802 900 Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180.00  |   | •   |                 | 4040                        | 770                         |          |        |        |                                       |             |
| over original patent  1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$)  **or number previously paid, if greater; For Reissues, see above    1801 770   2801 385   Request for Continued Examination (RCE)   1802 900   Request for expedited examination of a design application  Other fee (specify) *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180.00  |   | •   | ,               | 1810                        | 770                         | 2810     | 385    |        |                                       |             |
| 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$)  **or number previously paid, if greater; For Reissues, see above  1802 900 Request for expedited examination of a design application  Other fee (specify)  *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180.00   | 1∠U4 8b                                     |   |                 | 1801                        | 770                         | 2801     | 385    | Rec    | quest for Continued Examination (RCE) |             |
| SUBTOTAL (2) (\$)  **or number previously paid, if greater; For Reissues, see above  Other fee (specify)  *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180.00  | 1205 18                                     |   |                 | 1802                        | 900                         | 1802     | 900    | Red    | quest for expedited examination       |             |
| **or number previously paid, if greater; For Reissues, see above Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 180.00  | l <u> </u>                                  |   |                 |                             | fee (sp                     | ecify) _ |        |        |                                       |             |
| and the second party is greatly as a second party in the second party is greatly as a second party in g        | · · · · · · · · · · · · · · · · · · ·       |   |                 |                             |                             |          |        |        |                                       |             |
|   |   |   |                 |                             |                             |          |        |        |                                       |             |

Registration No. MARK K. DICKSAN 32,889 Telephone 650-463-8234 Name (Print/Type) Date JUNE 9, 2004 Signature

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



EXPRESS MAIL MAILING LABEL

NUMBER: **EL615431697US**DATE OF DEPOSIT: June 9, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for

Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Severly A. Lee

In re application of: Keith G. Lintott

To application of Rollin G. Elittott

Appl. No.: 10/693,363

Filed: October 24, 2003

For: Chrysanthemum Plant Named 'Rio

Dark'

Art Unit: 1661

PTO Confirmation No.: 3124

Examiner: June Hwu

Atty. Docket: 10451.0056.NPUS01

## AMENDMENT AND RESPONSE TO OFFICE ACTION MAILED MARCH 9, 2004

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Office Action mailed March 9, 2004. The following amendments are submitted to the above-identified application. A red-lined copy of the specification has been included which reflects the following amendments to the specification as filed October 24, 2003. A clean copy of the specification as amended is also enclosed.